

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

LARRY M. MAYFIELD §  
VS. § CIVIL ACTION NO. 9:16-CV-38  
S. BRYANT, ET AL. §

ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Larry M. Mayfield, a prisoner confined at the Gib Lewis Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that this civil rights action be dismissed without prejudice as repetitious of cause number 9:16-CV-37.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. Plaintiff filed a response in which he asserts he intended to file this action and cause number 9:16-CV-37 as one civil action. Accordingly, this action will be dismissed, and plaintiff will be permitted to clarify his claims by filing an amended pleading in 9:16-CV-37.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report and recommendation of the Magistrate Judge (document no. 5) is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

**So ORDERED and SIGNED this 1st day of April, 2017.**



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Ron Clark, United States District Judge